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OFFICE OF PETITIONS

In re Application of :
Hamzeh Karami, et al. :
Application No. 09/844,726 :
Filed: April 27, 2001 :
Attorney Docket No. 34294/20 :

ON PETITION

~~In re Application of :
Hamzeh Karami, et al. :
Application No. 10/470,625 :
Filed: February 27, 2004 :
Attorney Docket No. 34294/46 :~~

This is a decision on the petition under 37 CFR 1.137(b) filed June 7, 2004, to revive Application No. 09/844,726. This petition is also being treated under 37 CFR 1.182 as a request to treat the application papers filed February 27, 2004 as an continuation application under 37 CFR 1.53(b) of prior application No. 09/844,726. The \$130.00 petition fee is being charged to counsel's deposit account as authorized.

A review of the record of Application No. 09/844,726 reveals that the application became abandoned on November 27, 2003 for a failure to reply in a timely manner to the final Office action mailed August 26, 2003. A Notice of Abandonment was not mailed in the application. It is noted that on February 27, 2004, applicant submitted a preliminary amendment, a copy of a published application, an unexecuted declaration and fees totaling \$2,120. For some unknown reason, the papers filed February 27, 2004 were treated as a timely response to the August 26, 2003 final Office action. On March 12, 2004, an Advisory Action was mailed stating that the proposed amendments would not be entered since they present additional claims without canceling a corresponding number of finally rejected claims.

In response, on June 7, 2004, the present petition was filed wherein petitioner explains that the papers filed February 27, 2004, were intended as a new continuation application of the above-identified application. Petitioner requests that the application papers be treated as a continuation application under 37 CFR 1.53(b) and accorded a filing date of February 27, 2004. Further, petitioner submits a Notice of Appeal as a proposed reply to the final Office action and requests that instant application also be revived for the purpose of continuity with the continuing application filed February 27, 2004.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The 2-month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

The petition under 37 CFR 1.182 is **GRANTED**.

The continuation application under 37 CFR 1.53(b) has been assigned application No. 10/470,625. All further correspondence concerning the continuation application filed on February 27, 2004, should be directed to application No. 10/470,625.

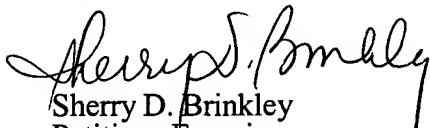
In view of this decision, the papers filed February 27, 2004, have been removed from the file of application No. 09/844,726 and placed in the file of application No. 10/470,625. Since the petition filed June 7, 2004 in Application No. 09/844,726 is also being treated as a petition under 37 CFR 1.182 in Application No. 10/470,625, a copy of the petition (without exhibits) is being made of record in Application No. 10/470,625.

The \$2,120 fees paid on February 27, 2004 in Application No. 09/844,726 will be reapplied to the filing fees of Application No. 10/470,625.

Application No. 10/470,625 will then be forwarded to Initial Patent Examination Division for processing as a continuation application under 37 CFR 1.53(b), with a filing date of February 27, 2004.

Application No. 09/844,726 will be returned to Technology Center AU 3761.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.



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